

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In Re: *Petition for Arbitration of the Interconnection Agreement between BellSouth Telecommunications, Inc. and Time Warner Telecom of the Mid-South, L.P.*
Pursuant to Section 252(b) of the Telecommunications Act of 1996

Docket No. 99-00797

AGREED PROCEDURAL ORDER

To provide for the resolution of the issue in this matter by the Arbitrators appointed by the Tennessee Regulatory Authority ("Authority"), BellSouth Telecommunications, Inc. ("BellSouth") and Time Warner Telecom of the Mid-South, L.P. ("Time Warner") respectfully submit the following Agreed Procedural Order for consideration by the Hearing Officer:

1. For purposes of this proceeding, BellSouth and Time Warner agree to abide by Arbitration Rules 1220-5-1 through 1220-5-3, Rules of Practice and Procedure governing proceedings under Section 252 of the Federal Telecommunications Act of 1996;
2. For purposes of this proceeding, neither BellSouth nor Time Warner object to the Authority Staff asking questions of witnesses during any hearing conducted in connection with this proceeding ;
3. Time Warner and BellSouth submit the following Issues Matrix to the Arbitrators and Staff.

ISSUE	PETITIONER'S POSITION	RESPONDENT'S POSITION	FCC RULING
What should be the appropriate definition of "local traffic" for purposes of the parties' reciprocal compensation obligations under Section 251(b)(5) of the 1996 Act?	"Local Traffic" should be defined to apply only to traffic that originates and terminates within a local area. The definition should expressly exclude traffic to Internet Service	The parties have agreed to the definition of "local traffic" with the exception of the inclusion (or exclusion) of ISP traffic. For the purposes of reciprocal compensation, calls to	First Report and Order, <u>Implementation of the Local Compensation Provisions in the Telecommunications Act of 1996</u> , 11 FCC Red 13042, 16013 ¶ 1034; Declaratory Ruling, CC

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REGULATORY DIVISION

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EXECUTIVE SECRETARY

For purposes of this proceeding, Time Warner and BellSouth agree to submit the above-referenced issue to the Arbitrators for resolution in the following manner. The parties agree that the Arbitrators should take administrative notice of the records developed in the following proceedings:

In Re: *Petition by ICG TELECOM GROUP, INC. for Arbitration of an Interconnection Agreement with BELLSOUTH TELECOMMUNICATIONS, INC. pursuant to Section 252(b) of the Telecommunications Act of 1996*
Docket No. 99-00377 ("the ICG proceeding")

In Re: *Petition for Arbitration of ITC^DeltaCom Communications, Inc. with BellSouth Telecommunications, Inc. pursuant to the Telecommunications Act of 1996*
Docket No. 99-00430 ("the DeltaCom proceeding")

The parties agree that the record from these proceedings will be used as the evidentiary record for the Arbitrators' decision in this proceeding and in the event either party appeals the determination of the Arbitrators in this proceeding, that the record from the ICG proceeding and the DeltaCom proceeding will be included in the record on appeal.

5. The parties will submit briefs on January 21, 2000 which may reference the record developed in the ICG and DeltaCom proceedings.

6. Time Warner and BellSouth agree that, provided the Hearing Officer and Arbitrators approve the proposed procedure set forth in Paragraphs 4 and 5 above, no discovery will be propounded by either party in connection with this proceeding, and the parties will submit the case to the Arbitrators for resolution without the submission of testimony or cross-examination.

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7. BellSouth and Time Warner agree to extend until February 19, 2000, the time period within which this proceeding must be concluded and to waive any right under federal or state law to require that this proceeding be concluded prior to that date.

Respectfully submitted,

FARRIS, MATHEWS, BRANAN
& HELLEN, P.L.C.

BELLSOUTH TELECOMMUNICATIONS, INC.

BY: 

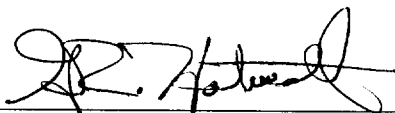
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BY:



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APPROVED:



Hon. Gary Hotvedt, Hearing Officer
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0500

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DIRECTOR OF COMMERCE

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Guy M. Hicks
General Counsel

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EXECUTIVE SECRETARY

December 16, 1999

Hon. Gary Hotvedt
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0500

Re: *Petition for Arbitration of the Interconnection Agreement between BellSouth Telecommunications, Inc. and Time Warner Telecom of the Mid-South, L.P. Pursuant to Section 252(b) of the Telecommunications Act of 1996*
Docket No. 99-00797

Dear Mr. Hotvedt:

Attached is the revised proposed Agreed Procedural Order for your consideration and review. Please let me or Mr. Welch know if you would like to discuss this proposal.

Very truly yours,


Guy M. Hicks

GMH:ch

Attachment

cc: Chuck Welch
(via fax)

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